



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-0261/P3

PJK:wlj:pg

rm is run

DOA:.....Blaine, BB0010 - Prenatal care under BadgerCare for pregnant immigrant women

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

J-note

TODAY  
please

do not  
you cut ✓

1 AN ACT relating to: the budget. ✓

*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

**MEDICAL ASSISTANCE**

Under current law, the Badger Care health care program (BadgerCare) provides partially or wholly subsidized health care coverage to eligible families and children. A family, or a child who does not reside with his or her parent, may be eligible for health care coverage under BadgerCare if the child's or family's income does not exceed 185 percent of the federal poverty line and the child or family meets certain nonfinancial criteria, such as not having access to employer-subsidized health care coverage. Current law defines "child" as a person under the age of 19 years and defines "family" as a unit that consists of at least one child and his or her parent or parents, all of whom reside in the same household.

This bill expands BadgerCare to provide health care coverage to an unborn child whose ~~parent or parents are~~ not eligible for BadgerCare as a family if the unborn child's parent or parents meet the current law income and nonfinancial eligibility requirements. An "unborn child" is defined as a person from conception to live birth. The effect of the change is to provide prenatal care to low-income pregnant women who are not otherwise eligible for BadgerCare or Medical Assistance.

mother is

Insert A ✓

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

① general purpose revenue

SECTION 1. 20.435 (4) (bc) of the statutes is amended to read:

20.435 (4) (bc) *Health Badger Care health care for low-income families*

③ program As a continuing appropriation, the amounts in the schedule for the badger care Badger Care health care program for low-income families under s. 49.665.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2. 20.435 (4) (p) of the statutes is amended to read:

20.435 (4) (p) *Federal aid; Badger Care health care for low-income families*

program. All federal moneys received for the badger care Badger Care health care program for low-income families under s. 49.665, to be used for that purpose.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 3. 20.435 (4) (x) of the statutes is amended to read:

20.435 (4) (x) *Health Badger Care health care for low-income families program*

From the ~~medical assistance~~ Medical Assistance trust fund, all moneys received for the badger care Badger Care health care program for low-income families under s. 49.665.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 4. 49.665 (1) (b) of the statutes is amended to read:

49.665 (1) (b) "Child" means a person who is born and who is under the age of 19.

SECTION 5. 49.665 (1) (g) of the statutes is created to read:

④ Medical Assistance Trust Fund

Insert 3-2  
1 49.665 (1) (g) "Unborn child" means a person from the time of conception until  
2 it is born alive.

3 **SECTION 6.** 49.665 (2) (b) of the statutes is amended to read:

4 49.665 (2) (b) If the department of health and family services determines that  
5 it needs a waiver to require the verification specified in sub. (4) (a) 3m. ~~or (ap) 3m.~~,  
6 the department shall request a waiver from the secretary of the federal department  
7 of health and human services and may not implement the verification requirement  
8 under sub. (4) (a) 3m. ~~or (ap) 3m.~~ unless the waiver is granted. If a waiver is required  
9 and is granted, the department of health and family services may implement the  
10 verification requirement under sub. (4) (a) 3m. ~~or (ap) 3m.~~ as appropriate. If a waiver  
11 is not required, the department of health and family services may require the  
12 verification specified in sub. (4) (a) 3m. ~~or (ap) 3m.~~ for eligibility determinations and  
13 annual review eligibility determinations made by the department, beginning on  
14 January 1, 2004.

15 **SECTION 7.** 49.665 (3) of the statutes is amended to read:

16 49.665 (3) ADMINISTRATION. ~~The~~ <sup>Subject to sub (2)(a) 20 the</sup> department shall administer a program to  
17 provide the health services and benefits described in s. 49.46 (2) to persons that meet  
18 the eligibility requirements specified in sub. (4). The department shall promulgate  
19 rules setting forth the application procedures and appeal and grievance procedures.  
20 The department may promulgate rules limiting access to the program under this  
21 section to defined enrollment periods. The department may also promulgate rules  
22 establishing a method by which the department may purchase family coverage  
23 offered by the employer of a member of an eligible family or ~~by of~~ a member of a an  
24 eligible child's household, or family or individual coverage offered by the employer  
25 of a parent of an eligible unborn child, under circumstances in which the department

child's mother or her spouse

1 determines that purchasing that coverage would not be more costly than providing  
2 the coverage under this section.

3 **SECTION 8.** 49.665 (4) (ap) of the statutes is created to read:

4 49.665 (4) (ap) An unborn child whose ~~parent or parents are~~ <sup>mother is</sup> not eligible for  
5 health care coverage under par. (a) is eligible for health care coverage under this  
6 section if ~~the unborn child meets~~ <sup>all of</sup> the following requirements <sup>are met</sup>

7 1. The income of the unborn child's ~~parent or parents~~ <sup>Insert 4-5</sup> does not exceed 185  
8 percent of the poverty line, except as provided in par. (at) and except that ~~the parent~~  
9 ~~or parents of~~ <sup>if</sup> an unborn child ~~that~~ <sup>the applicable specified person or persons</sup> is already receiving health care coverage under  
10 this section may have an income that does not exceed 200 percent of the poverty line. <sup>Insert 4-7</sup>

11 The department shall establish by rule the criteria to be used to determine income.

12 2. The unborn child's ~~parent or parents do~~ <sup>mother has</sup> not have access to  
13 employer-subsidized health care coverage.

14 3. The unborn child's ~~parent or parents have~~ not had access to  
15 employer-subsidized health care coverage within the time period established by the  
16 department by rule, but not to exceed 18 months, immediately preceding application  
17 for ~~health~~ <sup>prenatal</sup> care coverage under this section. The department may establish  
18 exceptions to this time period restriction by rule.

19 2 ~~3~~ Each of the ~~unborn child's parents~~ <sup>Insert 4-19</sup> who is employed provides verification  
20 from his or her employer, in the manner specified by the department, of his or her  
21 earnings, of whether the employer provides health care coverage for which the  
22 unborn child is eligible, and of the amount that the employer pays, if any, towards  
23 the cost of the health care coverage, excluding any deductibles or copayments  
24 required under the coverage.

Insert 4-24

which shall be limited to coverage for prenatal care

and that specifically apply to eligibility under this paragraph

1 4. The unborn child and the ~~parent or parents~~ <sup>mother</sup> of the unborn child meet ~~at~~ <sup>any</sup> other  
2 requirements established by the department ~~by rule~~ <sup>that are</sup>. In establishing other eligibility  
3 criteria, the department may not include any health condition requirements.

4 SECTION 9. 49.665 (4) (at) 3. of the statutes is amended to read:

5 49.665 (4) (at) 3. The department may not adjust the maximum income level  
6 of ~~200%~~ 200 percent of the poverty line for persons, or the parent or parents of an  
7 unborn child, already receiving health care coverage under this section. <sup>insert 5-7</sup>

8 SECTION 10. 49.665 (4) (c) of the statutes is amended to read:

9 49.665 (4) (c) No person may be denied health care coverage under this section  
10 solely because of a health condition of that person ~~or~~, of any family member of that  
11 person, or of ~~a parent~~ <sup>the mother</sup> of an unborn child.

12 SECTION 11. 49.665 (5) (ag) of the statutes is amended to read:

13 49.665 (5) (ag) Except as provided in pars. (am), (b), and (bm), a family, ~~or a~~  
14 child who does not reside with his or her parent, ~~or a parent~~ <sup>the mother</sup> of an unborn child, who  
15 receives health care coverage under this section shall pay a percentage of the cost of  
16 that coverage in accordance with a schedule established by the department by rule.  
17 The department may not establish or implement a schedule that requires a family  
18 ~~or~~, child, or ~~parent~~ <sup>mother</sup> of an unborn child to contribute, including the amounts required  
19 under par. (am), more than 5% 5 percent of the family's ~~or~~, child's, or unborn child's  
20 parent's income towards the cost of the health care coverage provided under this  
21 section.

22 SECTION 12. 49.665 (5) (am) (intro.) of the statutes is amended to read:

23 49.665 (5) (am) (intro.) Except as provided in pars. (b) and (bm), a child ~~or~~, <sup>a</sup>  
24 family member, or ~~parent~~ <sup>the mother</sup> of an unborn child, who receives health care coverage  
25 under this section shall pay the following cost-sharing amounts:

Insert 5-21

*applicable persons specified in sub. (4)*

SECTION 13. 49.665 (5) (b) of the statutes is amended to read:

49.665 (5) (b) The department may not require a family, or child who does not reside with his or her parent, ~~or unborn child's parent~~, with an income below ~~150%~~ 150 percent of the poverty line, to contribute to the cost of health care coverage provided under this section.

SECTION 14. 49.665 (5) (c) of the statutes is amended to read:

49.665 (5) (c) The department may establish by rule requirements for wage withholding as a means of collecting the a family's ~~or unborn child's~~ <sup>an</sup> ~~parent's~~ share of the cost of the health care coverage under this section.

#### SECTION 9421. Effective dates; health and family services.

(1) BADGER CARE COVERAGE FOR UNBORN CHILDREN. The treatment of section 49.665 (1) (g), ~~(2)~~ (3), (4) (ap), (at) 3., ~~and~~ <sup>and (d)</sup> (c) and (5) (ag), (am) (intro.), (b), and (c) of the statutes takes effect on ~~October 1, 2005~~ <sup>January 1, 2006</sup>.

and 49.662(2)

(END)

Insert 6-9 ✓

the renumbering and amendment of section 49.665 (2) (a) of the statutes, and the creation of section 49.665 (2) (a) 20 of the statutes

D-note

**2005-2006 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0261/PZins  
PJK:dlj pg

**INSERT A**

4041 or eligible for Medical Assistance. The income of the unborn child's mother, mother and her spouse, or mother and her family, whichever is applicable, must meet the current law income requirements. The unborn child and the unborn child's mother must meet the current law nonfinancial eligibility requirements, except that the unborn child is not required to have a social security number and one or more of the following may apply to the unborn child's mother: 1) she is not a U.S. citizen or a qualifying alien; 2) she is an inmate of a public institution; or 3) she does not provide a social security number.

(END OF INSERT A)

**INSERT 3-2**

1        **SECTION ~~4~~** 49.665 (2) (a) of the statutes is renumbered 49.665 (2) (a) 1. and  
2        amended to read:

3        49.665 (2) (a) 1. The department of health and family services shall request a  
4        waiver from the secretary of the federal department of health and human services  
5        to permit the department of health and family services to implement, beginning not  
6        later than July 1, 1998, or the effective date of the waiver, whichever is later, a health  
7        care program under this section. If a waiver that is consistent with all of the  
8        provisions of this section, excluding sub. (4) (a) 3m. and (ap) and provisions related  
9        to sub. (4) (ap), is granted and in effect, the department of health and family services  
10       shall implement the program under this section, subject to subd. 2. The department  
11       of health and family services may not implement the program under this section  
12       unless a waiver that is consistent with all of the provisions of this section, excluding  
13       sub. (4) (a) 3m. and (ap) and provisions related to sub. (4) (ap), is granted and in effect.

14       **SECTION ~~2~~** 49.665 (2) (a) 2. of the statutes is created to read:

15       49.665 (2) (a) 2. The department may not implement sub. (4) (ap) or provisions  
16       related to the coverage under sub. (4) (ap) unless a state plan amendment

*Ins 3-2 contd*

1 authorizing the coverage under sub. (4) (ap) is approved by the federal department  
2 of health and human services.

(END OF INSERT 3-2)

INSERT 4-5

3 *WH* or for medical assistance under s. 49.46 or 49.47 ✓

(END OF INSERT 4-5)

INSERT 4-7

4 *WH* mother, mother and her spouse, or mother and her family, whichever is  
5 applicable,

(END OF INSERT 4-7)

INSERT 4-19

6 *WH* following applicable persons

(END OF INSERT 4-19)

INSERT 4-24

- 7 *CH* a. The unborn child's mother.
- 8 b. The spouse of the unborn child's mother.
- 9 c. Members of the unborn child's mother's family.
- 10 3. The unborn child's mother provides medical verification of her pregnancy,  
11 in the manner specified by the department.
- 12 4. The unborn child and the mother of the unborn child meet all other  
13 requirements established by the department by rule except for one or more of the  
14 following:





*Ins 4-24 contd*

- 1 a. The mother is not a U.S. citizen or a qualifying alien. ✓
- 2 b. The mother is an inmate of a public institution. ✓
- 3 c. The mother does not provide a social security number. ✓

(END OF INSERT 4-24)

INSERT 5-7

- (4) *no 4* or for applicable persons specified in par. (ap) 1. ✓ with respect to an unborn child
- (5) already receiving health care coverage under this section

(END OF INSERT 5-7)

INSERT 5-21

- 6 **SECTION 3.** 49.665 (4) (d) ✓ of the statutes is created to read:
- 7 49.665 (4) (d) An unborn child's eligibility for coverage under par. (ap) ✓ shall not
- 8 begin before the first day of the month in which the unborn child's mother provides
- 9 the medical verification required under par. (ap) 3. ✓

- 10 **SECTION 4.** 49.665 (5) (ag) ✓ of the statutes is amended to read:

- 11 49.665 (5) (ag) Except as provided in pars. (am), (b), and (bm), a family, ~~or a~~
- 12 child who does not reside with his or her parent, or the mother of an unborn child,
- 13 who receives health care coverage under this section shall pay a percentage of the
- 14 cost of that coverage in accordance with a schedule established by the department
- 15 by rule. The department may not establish or implement a schedule that requires
- 16 a family ~~or child to contribute~~ contribution, including the amounts required under
- (17) par. (am), of more than 5 percent ~~5%~~ of the family's or child's income of the family, child, or

1     applicable persons specified in sub. (4) (ap) 1. towards the cost of the health care  
2     coverage provided under this section.

History: 1997 a. 27, 237; 1999 a. 9; 2001 a. 16, 109; 2003 a. 33.

(END OF INSERT 5-21)

**INSERT 6-9**

3           **SECTION ~~49.82~~** 49.82 (2) of the statutes is amended to read:  
4           **49.82 (2) ELIGIBILITY VERIFICATION.** Proof shall be provided for each person  
5     included in an application for public assistance under this chapter, except for a child  
6     who is eligible for medical assistance under s. 49.46 or 49.47 because of 42 USC 1396a  
7     (e) (4) or an unborn child who is eligible for coverage under the Badger Care health  
8     care program under s. 49.665 (4) (ap), of his or her social security number or that an  
9     application for a social security number has been made.

History: 1995 a. 27 ss. 3088, 3125, 3209, 9126 (19), 9130 (4); 1997 a. 3; 2001 a. 107.

(END OF INSERT 6-9)

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0261/P3dn

PJK:wlj:pg

Robert:

This redraft is still a preliminary not because of any particular problems but because of the magnitude of the changes.

Pamela J. Kahler  
Senior Legislative Attorney  
Phone: (608) 266-2682  
E-mail: [pam.kahler@legis.state.wi.us](mailto:pam.kahler@legis.state.wi.us)

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0261/P3dn  
PJK:wlj:pg

January 7, 2005

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Pamela J. Kahler  
Senior Legislative Attorney  
Phone: (608) 266-2682  
E-mail: [pam.kahler@legis.state.wi.us](mailto:pam.kahler@legis.state.wi.us)

## Kahler, Pam

---

**From:** Kahler, Pam  
**Sent:** Thursday, January 13, 2005 5:24 PM  
**To:** Blaine, Robert  
**Subject:** RE: FW: LRB Draft: 05-0261/P3 Prenatal care under BadgerCare for pregnant immigrant women

Robert:

1. I wonder if the exception for "benefits under s. 49.45 (27)" is necessary since the draft says the mother is not eligible for MA under s. 49.46 or 49.47.
2. Since the use of "et seq" is problematic, could we say the mother is not a "qualifying alien as defined by rule under s. 49.145 (2) (c)"? It's DWD's rule, but it is probably the same and we wouldn't then have to wait for DHFS to promulgate one.
3. For the social security number part, I would prefer to add to subd. 4. c. something like: "this subd.4.c. applies only if the mother is not a U.S. citizen or a qualifying alien." Okay? *Yps, ok*

Pam

-----Original Message-----

**From:** Blaine, Robert  
**Sent:** Wednesday, January 12, 2005 1:52 PM  
**To:** Kahler, Pam  
**Subject:** FW: FW: LRB Draft: 05-0261/P3 Prenatal care under BadgerCare for pregnant immigrant women

a few more small changes, but for the most part, the draft looks good. as always, thanks!

-----Original Message-----

**From:** LaPhilliph, John  
**Sent:** Wednesday, January 12, 2005 1:10 PM  
**To:** Blaine, Robert; Groth, Nicole  
**Cc:** Jones, James; McIlquham, Cheryl; Riedasch, Scott; Malofsky, Shelley  
**Subject:** Re: FW: LRB Draft: 05-0261/P3 Prenatal care under BadgerCare for pregnant immigrant women

Shelley and I have reviewed the revised draft and think the changes Pamela made will work. The only modifications we need to ask for are in s. 49.665(4)(ap) intro and 4..

The intro says:

49.665 (4) (ap) An unborn child whose mother is not eligible for health care coverage under  
par. (a) or for medical assistance under s. 49.46 or 49.47 is eligible for health care coverage  
under this section,...

We want to make it clear that the mother can't be eligible for Medicaid or BadgerCare with the exception of emergency services medicaid for aliens. To do that we think the references in the intro have to be expanded. Also, since we could have to deal with pregnant teens not living with their parents, we believe we should include the reference to BadgerCare benefits for children under 49.665(4)(am). So perhaps change the text to read:

...mother is not eligible for health care coverage under par. (a) or (am) or for medical assistance  
under this chapter except for benefits under 49.45(27)....

Section (ap) 4. reads:

4. The unborn child and the mother of the unborn child meet all other requirements established by the department by rule except for one or more of the

following:

- a. The mother is not a U.S. citizen or a qualifying alien.
- b. The mother is an inmate of a public institution.
- c. The mother does not provide a social security number.

I. Since "qualifying alien" is not a term defined in law, we think we need to say something more like, "an alien qualifying for medicaid under 8 USC 1612, et. seq.".

II. We're concerned that c. would allow a woman who is ineligible for MA or BC because she simply refuses to provide an SSN to still get the prenatal care benefit. To avoid that situation, we think we need to change c. to refer to the only women who don't need an SSN to qualify for emergency services medicaid (i.e., the non-qualifying aliens). One way to reword c. could be the following:

- c. The mother is not a U.S. citizen or an alien qualifying for medicaid under 8 USC 1612, et. seq.,  
and does not provide a social security number.

Please let me know if you have any questions. Thanks.

\* \* \* \* \*

NOTICE: This email and any attachments may contain confidential information. Use and further disclosure of the information by the recipient must be consistent with applicable laws, regulations and agreements. If you received this email in error, please notify the sender; delete the email; and do not use, disclose or store the information it contains.

\* \* \* \* \*

John LaPhilliph  
Lead Health Care Eligibility Innovations Planner  
Bureau of Eligibility Management  
Division of Health Care Financing  
Wisconsin Department of Health and Family Services  
608-266-6772  
laphijo@dhfs.state.wi.us

>>> Blaine, Robert 1/7/2005 3:33:00 PM >>>

Kudos to Pam for the quick turnaround. We are starting to run short on time to make additional modifications. I would like any comments / changes by January 12 at the latest.

Thanks in advance for your help.

Robert

-----Original Message-----

From: Greenslet, Patty [mailto:Patty.Greenslet@legis.state.wi.us]  
Sent: Friday, January 07, 2005 3:02 PM  
To: Blaine, Robert  
Cc: Johnston, James; Hanaman, Cathlene; Haugen, Caroline; Merry-Mason, Monica  
Subject: LRB Draft: 05-0261/P3 Prenatal care under BadgerCare for pregnant immigrant women

Following is the PDF version of draft 05-0261/P3.

## Kahler, Pam

---

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**Sent:** Friday, January 14, 2005 3:15 PM  
**To:** Kahler, Pam  
**Subject:** RE: FW: LRB Draft: 05-0261/P3 Prenatal care under BadgerCare for pregnant immigrant women

Pam --

Just to keep a record of these decisions:

- 1) I think the department's exception is appropriate. s. 49.46 lists all MA services; a qualifying alien is eligible for emergency services, due to the exception in 49.45(27). We want to retain the ability of the mother to get emergency services, because this covers labor & delivery. The way it is drafted, though, could be construed to imply that qualifying aliens are not eligible for emergency services, because they are not eligible under 49.46.
- 2) Rather than use the reference to the DWD statute / rule, it would be preferable to just drop the "et seq." The department used this phrase because there are two other federal statutes that contribute to the definition of qualified alien. However 8 USC 1612 refers to these two other statutes. Thus, the department feels that 8 USC 1612 is specific enough to meet your needs, and broad enough to meet theirs.
- 3) I am fine with this approach

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for pregnant immigrant women

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We want to make it clear that the mother can't be eligible for Medicaid or BadgerCare with the exception of emergency services medicaid for aliens. To do that we think the references in the intro have to be expanded. Also, since we could have to deal with pregnant teens not living with their parents, we believe we should include the reference to BadgerCare benefits for children under 49.665(4)(am). So perhaps change the text to read:

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4. The unborn child and the mother of the unborn child meet all other requirements established by the department by rule except for one or more of the following:
- a. The mother is not a U.S. citizen or a qualifying alien.
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I. Since "qualifying alien" is not a term defined in law, we think we need to say something more like, "an alien qualifying for medicaid under 8 USC 1612, et. seq."

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- c. The mother is not a U.S. citizen or an alien qualifying for medicaid under 8 USC 1612, et. seq., and does not provide a social security number.

Please let me know if you have any questions. Thanks.

\* \* \* \* \*

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\* \* \* \* \*

John LaPhilliph  
Lead Health Care Eligibility Innovations Planner  
Bureau of Eligibility Management



Division of Health Care Financing  
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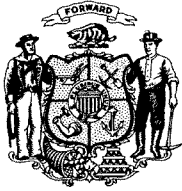
Sent: Friday, January 07, 2005 3:02 PM

To: Blaine, Robert

Cc: Johnston, James; Hanaman, Cathlene; Haugen, Caroline; Merry-Mason, Monica

Subject: LRB Draft: 05-0261/P3 Prenatal care under BadgerCare for pregnant immigrant women

Following is the PDF version of draft 05-0261/P3.



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-0261/PJ

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DOA:.....Blaine, BB0010 - Prenatal care under BadgerCare for pregnant immigrant women

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

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1 AN ACT; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

**MEDICAL ASSISTANCE**

Under current law, the Badger Care health care program (BadgerCare) provides partially or wholly subsidized health care coverage to eligible families and children. A family, or a child who does not reside with his or her parent, may be eligible for health care coverage under BadgerCare if the child's or family's income does not exceed 185 percent of the federal poverty line and the child or family meets certain nonfinancial criteria, such as not having access to employer-subsidized health care coverage. Current law defines "child" as a person under the age of 19 years and defines "family" as a unit that consists of at least one child and his or her parent or parents, all of whom reside in the same household.

This bill expands BadgerCare to provide health care coverage to an unborn child whose mother is not eligible for BadgerCare or eligible for Medical Assistance. The income of the unborn child's mother, mother and her spouse, or mother and her family, whichever is applicable, must meet the current law income requirements. The unborn child and the unborn child's mother must meet the current law nonfinancial eligibility requirements, except that the unborn child is not required to have a social security number and one or more of the following may apply to the

↑ except for certain  
emergency services

unborn child's mother: 1) she is not a U.S. citizen or a qualifying alien; 2) she is an inmate of a public institution; or 3) she does not provide a social security number. An "unborn child" is defined as a person from conception to live birth. The effect of the change is to provide prenatal care to low-income pregnant women who are not otherwise eligible for BadgerCare or Medical Assistance.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 20.435 (4) (bc) of the statutes is amended to read:

20.435 (4) (bc) ~~Health~~ Badger Care health care for low-income families program; general purpose revenue. As a continuing appropriation, the amounts in the schedule for the badger-care Badger Care health care program for low-income families under s. 49.665.

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2. 20.435 (4) (p) of the statutes is amended to read:

20.435 (4) (p) ~~Federal aid; Health~~ Badger Care health care for low-income families program. All federal moneys received for the badger-care Badger Care health care program for low-income families under s. 49.665, to be used for that purpose.

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 3. 20.435 (4) (x) of the statutes is amended to read:

20.435 (4) (x) ~~Health~~ Badger Care health care for low-income families program; Medical Assistance trust fund. From the ~~medical assistance~~ Medical Assistance trust fund, all moneys received for the badger-care Badger Care health care program for low-income families under s. 49.665.

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 4. 49.665 (1) (b) of the statutes is amended to read:

about only if she is not a US citizen or qualifying alien

1           49.665 (1) (b) “Child” means a person who is born and who is under the age of  
2           19.

3           **SECTION 5.** 49.665 (1) (g) of the statutes is created to read:

4           49.665 (1) (g) “Unborn child” means a person from the time of conception until  
5           it is born alive.

6           **SECTION 6.** 49.665 (2) (a) of the statutes is renumbered 49.665 (2) (a) 1. and  
7           amended to read:

8           49.665 (2) (a) 1. The department of health and family services shall request a  
9           waiver from the secretary of the federal department of health and human services  
10          to permit the department of health and family services to implement, beginning not  
11          later than July 1, 1998, or the effective date of the waiver, whichever is later, a health  
12          care program under this section. If a waiver that is consistent with all of the  
13          provisions of this section, excluding sub. (4) (a) 3m. and (ap) and provisions related  
14          to sub. (4) (ap), is granted and in effect, the department of health and family services  
15          shall implement the program under this section, subject to subd. 2. The department  
16          of health and family services may not implement the program under this section  
17          unless a waiver that is consistent with all of the provisions of this section, excluding  
18          sub. (4) (a) 3m. and (ap) and provisions related to sub. (4) (ap), is granted and in effect.

19          **SECTION 7.** 49.665 (2) (a) 2. of the statutes is created to read:

20          49.665 (2) (a) 2. The department may not implement sub. (4) (ap) or provisions  
21          related to the coverage under sub. (4) (ap) unless a state plan amendment  
22          authorizing the coverage under sub. (4) (ap) is approved by the federal department  
23          of health and human services.

24          **SECTION 8.** 49.665 (3) of the statutes is amended to read:

1           49.665 (3) ADMINISTRATION. ~~The~~ Subject to sub. (2) (a) 2., the department shall  
2 administer a program to provide the health services and benefits described in s. 49.46  
3 (2) to persons that meet the eligibility requirements specified in sub. (4). The  
4 department shall promulgate rules setting forth the application procedures and  
5 appeal and grievance procedures. The department may promulgate rules limiting  
6 access to the program under this section to defined enrollment periods. The  
7 department may also promulgate rules establishing a method by which the  
8 department may purchase family coverage offered by the employer of a member of  
9 an eligible family or ~~by of~~ a member of -a- an eligible child's household, or family or  
10 individual coverage offered by the employer of an eligible unborn child's mother or  
11 her spouse, under circumstances in which the department determines that  
12 purchasing that coverage would not be more costly than providing the coverage  
13 under this section.

14           SECTION 9. 49.665 (4) (ap) of the statutes is created to read:

15           49.665 (4) (ap) An unborn child whose mother is not eligible for health care  
16 coverage under par. (a) <sup>or (am)</sup> or for medical assistance under s. 49.46 or 49.47 <sup>is eligible</sup>  
17 for health care coverage under this section, which shall be limited to coverage for  
18 prenatal care, if all of the following requirements are met:

19           1. The income of the unborn child's mother, mother and her spouse, or mother  
20 and her family, whichever is applicable, does not exceed 185 percent of the poverty  
21 line, except as provided in par. (at) and except that, if an unborn child is already  
22 receiving health care coverage under this section, the applicable specified person or  
23 persons may have an income that does not exceed 200 percent of the poverty line.  
24 The department shall establish by rule the criteria to be used to determine income.

Intercept that she may be eligible for benefits under 49.45 (27)

2. Each of the following applicable persons who is employed provides verification from his or her employer, in the manner specified by the department, of his or her earnings:

- a. The unborn child's mother.
- b. The spouse of the unborn child's mother.
- c. Members of the unborn child's mother's family.

3. The unborn child's mother provides medical verification of her pregnancy, in the manner specified by the department.

4. The unborn child and the mother of the unborn child meet all other requirements established by the department by rule except for ~~one or more~~ <sup>any</sup> of the following:

- a. The mother is not a U.S. citizen or <sup>an</sup> ~~qualifying~~ alien. <sup>Insert 5-12</sup>
- b. The mother is an inmate of a public institution.
- c. The mother does not provide a social security number. <sup>Insert 5-14</sup>

**SECTION 10.** 49.665 (4) (at) 3. of the statutes is amended to read:

49.665 (4) (at) 3. The department may not adjust the maximum income level of ~~200%~~ 200 percent of the poverty line for persons already receiving health care coverage under this section or for applicable persons specified in par. (ap) 1. with respect to an unborn child already receiving health care coverage under this section.

**SECTION 11.** 49.665 (4) (c) of the statutes is amended to read:

49.665 (4) (c) No person may be denied health care coverage under this section solely because of a health condition of that person ~~or~~, of any family member of that person, or of the mother of an unborn child.

**SECTION 12.** 49.665 (4) (d) of the statutes is created to read:

1           49.665 (4) (d) An unborn child's eligibility for coverage under par. (ap) shall not  
2       begin before the first day of the month in which the unborn child's mother provides  
3       the medical verification required under par. (ap) 3.

4           **SECTION 13.** 49.665 (5) (ag) of the statutes is amended to read:

5           49.665 (5) (ag) Except as provided in pars. (am), (b), and (bm), a family, ~~or a~~  
6       child who does not reside with his or her parent, or the mother of an unborn child,  
7       who receives health care coverage under this section shall pay a percentage of the  
8       cost of that coverage in accordance with a schedule established by the department  
9       by rule. The department may not establish or implement a schedule that requires  
10      a ~~family or child to contribute~~ contribution, including the amounts required under  
11      par. (am), of more than 5% 5 percent of the ~~family's or child's income~~ of the family,  
12      child, or applicable persons specified in sub. (4) (ap) 1. towards the cost of the health  
13      care coverage provided under this section.

14          **SECTION 14.** 49.665 (5) (am) (intro.) of the statutes is amended to read:

15          49.665 (5) (am) (intro.) Except as provided in pars. (b) and (bm), a child ~~or, a~~  
16      family member, or the mother of an unborn child, who receives health care coverage  
17      under this section shall pay the following cost-sharing amounts:

18          **SECTION 15.** 49.665 (5) (b) of the statutes is amended to read:

19          49.665 (5) (b) The department may not require a family, ~~or~~ child who does not  
20      reside with his or her parent, or applicable persons specified in sub. (4) (ap) 1., with  
21      an income below ~~150%~~ 150 percent of the poverty line, to contribute to the cost of  
22      health care coverage provided under this section.

23          **SECTION 16.** 49.665 (5) (c) of the statutes is amended to read:

49.665 (5) (c) The department may establish by rule requirements for wage withholding as a means of collecting the a family's or an unborn child's mother's share of the cost of the health care coverage under this section.

**SECTION 17.** 49.82 (2) of the statutes is amended to read:

49.82 (2) ELIGIBILITY VERIFICATION. Proof shall be provided for each person included in an application for public assistance under this chapter, except for a child who is eligible for medical assistance under s. 49.46 or 49.47 because of 42 USC 1396a (e) (4) or an unborn child who is eligible for coverage under the Badger Care health care program under s. 49.665 (4) (ap), of his or her social security number or that an application for a social security number has been made.

**SECTION 9421. Effective dates; health and family services.**

(1) BADGER CARE COVERAGE FOR UNBORN CHILDREN. The treatment of sections 49.665 (1) (g), (3), (4) (ap), (at) 3., (c), and (d), and (5) (ag), (am) (intro.), (b), and (c) and 49.82 (2) of the statutes, the renumbering and amendment of section 49.665 (2) (a) of the statutes, and the creation of section 49.665 (2) (a) 2. of the statutes take effect on January 1, 2006.


**(END)**



**2005-2006 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**


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**INSERT 5-12**

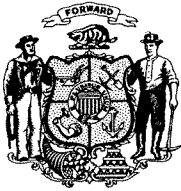
- 1  qualifying for medicaid under 8 USC 1612

**(END OF INSERT 5-12)**

**INSERT 5-14**

- 2 , but only if subd. 4. a. applies

**(END OF INSERT 5-14)**



State of Wisconsin  
2005 – 2006 LEGISLATURE

LRB-0261/1

PJK:wlj:pg

DOA:.....Blaine, BB0010 – Prenatal care under BadgerCare for pregnant immigrant women

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

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*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

**MEDICAL ASSISTANCE**

Under current law, the Badger Care health care program (BadgerCare) provides partially or wholly subsidized health care coverage to eligible families and children. A family, or a child who does not reside with his or her parent, may be eligible for health care coverage under BadgerCare if the child's or family's income does not exceed 185 percent of the federal poverty line and the child or family meets certain nonfinancial criteria, such as not having access to employer-subsidized health care coverage. Current law defines "child" as a person under the age of 19 years and defines "family" as a unit that consists of at least one child and his or her parent or parents, all of whom reside in the same household.

This bill expands BadgerCare to provide health care coverage to an unborn child whose mother is not eligible for BadgerCare or eligible for Medical Assistance, except for certain emergency services. The income of the unborn child's mother, mother and her spouse, or mother and her family, whichever is applicable, must meet the current law income requirements. The unborn child and the unborn child's mother must meet the current law nonfinancial eligibility requirements, except that the unborn child is not required to have a social security number and one or more of

the following may apply to the unborn child's mother: 1) she is not a U.S. citizen or a qualifying alien; 2) she is an inmate of a public institution; or 3) she does not provide a social security number, but only if she is not a U.S. citizen or qualifying alien. An "unborn child" is defined as a person from conception to live birth. The effect of the change is to provide prenatal care to low-income pregnant women who are not otherwise eligible for BadgerCare or Medical Assistance.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 20.435 (4) (bc) of the statutes is amended to read:

2           20.435 (4) (bc) ~~Health~~ Badger Care health care for low-income families  
3 program; general purpose revenue. As a continuing appropriation, the amounts in  
4 the schedule for the badger-care Badger Care health care program for low-income  
5 families under s. 49.665.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

6           **SECTION 2.** 20.435 (4) (p) of the statutes is amended to read:

7           20.435 (4) (p) ~~Federal aid; Badger Care health care for low-income families~~  
8 program. All federal moneys received for the badger-care Badger Care health care  
9 program for low-income families under s. 49.665, to be used for that purpose.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

10          **SECTION 3.** 20.435 (4) (x) of the statutes is amended to read:

11          20.435 (4) (x) ~~Health~~ Badger Care health care for low-income families program;  
12 Medical Assistance trust fund. From the medical-assistance Medical Assistance  
13 trust fund, all moneys received for the badger-care Badger Care health care program  
14 for low-income families under s. 49.665.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1           **SECTION 4.** 49.665 (1) (b) of the statutes is amended to read:

2           49.665 (1) (b) “Child” means a person who is born and who is under the age of  
3           19.

4           **SECTION 5.** 49.665 (1) (g) of the statutes is created to read:

5           49.665 (1) (g) “Unborn child” means a person from the time of conception until  
6           it is born alive.

7           **SECTION 6.** 49.665 (2) (a) of the statutes is renumbered 49.665 (2) (a) 1. and  
8           amended to read:

9           49.665 (2) (a) 1. The department of health and family services shall request a  
10          waiver from the secretary of the federal department of health and human services  
11          to permit the department of health and family services to implement, beginning not  
12          later than July 1, 1998, or the effective date of the waiver, whichever is later, a health  
13          care program under this section. If a waiver that is consistent with all of the  
14          provisions of this section, excluding sub. (4) (a) 3m. and (ap) and provisions related  
15          to sub. (4) (ap), is granted and in effect, the department of health and family services  
16          shall implement the program under this section, subject to subd. 2. The department  
17          of health and family services may not implement the program under this section  
18          unless a waiver that is consistent with all of the provisions of this section, excluding  
19          sub. (4) (a) 3m. and (ap) and provisions related to sub. (4) (ap), is granted and in effect.

20          **SECTION 7.** 49.665 (2) (a) 2. of the statutes is created to read:

21          49.665 (2) (a) 2. The department may not implement sub. (4) (ap) or provisions  
22          related to the coverage under sub. (4) (ap) unless a state plan amendment  
23          authorizing the coverage under sub. (4) (ap) is approved by the federal department  
24          of health and human services.

25          **SECTION 8.** 49.665 (3) of the statutes is amended to read:

1           49.665 (3) ADMINISTRATION. ~~The~~ Subject to sub. (2) (a) 2., the department shall  
2 administer a program to provide the health services and benefits described in s. 49.46  
3 (2) to persons that meet the eligibility requirements specified in sub. (4). The  
4 department shall promulgate rules setting forth the application procedures and  
5 appeal and grievance procedures. The department may promulgate rules limiting  
6 access to the program under this section to defined enrollment periods. The  
7 department may also promulgate rules establishing a method by which the  
8 department may purchase family coverage offered by the employer of a member of  
9 an eligible family or by ~~of~~ a member of ~~a~~ an eligible child's household, or family or  
10 individual coverage offered by the employer of an eligible unborn child's mother or  
11 her spouse, under circumstances in which the department determines that  
12 purchasing that coverage would not be more costly than providing the coverage  
13 under this section.

14           **SECTION 9.** 49.665 (4) (ap) of the statutes is created to read:

15           49.665 (4) (ap) An unborn child whose mother is not eligible for health care  
16 coverage under par. (a) or (am) or for medical assistance under s. 49.46 or 49.47,  
17 except that she may be eligible for benefits under s. 49.45 (27), is eligible for health  
18 care coverage under this section, which shall be limited to coverage for prenatal care,  
19 if all of the following requirements are met:

20           1. The income of the unborn child's mother, mother and her spouse, or mother  
21 and her family, whichever is applicable, does not exceed 185 percent of the poverty  
22 line, except as provided in par. (at) and except that, if an unborn child is already  
23 receiving health care coverage under this section, the applicable specified person or  
24 persons may have an income that does not exceed 200 percent of the poverty line.  
25 The department shall establish by rule the criteria to be used to determine income.

1           2. Each of the following applicable persons who is employed provides  
2 verification from his or her employer, in the manner specified by the department, of  
3 his or her earnings:

4           a. The unborn child's mother.

5           b. The spouse of the unborn child's mother.

6           c. Members of the unborn child's mother's family.

7           3. The unborn child's mother provides medical verification of her pregnancy,  
8 in the manner specified by the department.

9           4. The unborn child and the mother of the unborn child meet all other  
10 requirements established by the department by rule except for any of the following:

11           a. The mother is not a U.S. citizen or an alien qualifying for medicaid under 8  
12 USC 1612.

13           b. The mother is an inmate of a public institution.

14           c. The mother does not provide a social security number, but only if subd. 4. a.  
15 applies.

16           **SECTION 10.** 49.665 (4) (at) 3. of the statutes is amended to read:

17           49.665 (4) (at) 3. The department may not adjust the maximum income level  
18 of ~~200%~~ 200 percent of the poverty line for persons already receiving health care  
19 coverage under this section or for applicable persons specified in par. (ap) 1. with  
20 respect to an unborn child already receiving health care coverage under this section.

21           **SECTION 11.** 49.665 (4) (c) of the statutes is amended to read:

22           49.665 (4) (c) No person may be denied health care coverage under this section  
23 solely because of a health condition of that person ~~or~~, of any family member of that  
24 person, or of the mother of an unborn child.

25           **SECTION 12.** 49.665 (4) (d) of the statutes is created to read:

1           49.665 (4) (d) An unborn child's eligibility for coverage under par. (ap) shall not  
2 begin before the first day of the month in which the unborn child's mother provides  
3 the medical verification required under par. (ap) 3.

4           **SECTION 13.** 49.665 (5) (ag) of the statutes is amended to read:

5           49.665 (5) (ag) Except as provided in pars. (am), (b), and (bm), a family, ~~or a~~  
6 child who does not reside with his or her parent, or the mother of an unborn child,  
7 who receives health care coverage under this section shall pay a percentage of the  
8 cost of that coverage in accordance with a schedule established by the department  
9 by rule. The department may not establish or implement a schedule that requires  
10 a ~~family or child to contribute~~ contribution, including the amounts required under  
11 par. (am), of more than 5% 5 percent of the ~~family's or child's income~~ of the family,  
12 child, or applicable persons specified in sub. (4) (ap) 1. towards the cost of the health  
13 care coverage provided under this section.

14           **SECTION 14.** 49.665 (5) (am) (intro.) of the statutes is amended to read:

15           49.665 (5) (am) (intro.) Except as provided in pars. (b) and (bm), a child ~~or, a~~  
16 family member, or the mother of an unborn child, who receives health care coverage  
17 under this section shall pay the following cost-sharing amounts:

18           **SECTION 15.** 49.665 (5) (b) of the statutes is amended to read:

19           49.665 (5) (b) The department may not require a family, ~~or child~~ who does not  
20 reside with his or her parent, or applicable persons specified in sub. (4) (ap) 1., with  
21 an income below ~~150%~~ 150 percent of the poverty line, to contribute to the cost of  
22 health care coverage provided under this section.

23           **SECTION 16.** 49.665 (5) (c) of the statutes is amended to read:

49.665 (5) (c) The department may establish by rule requirements for wage withholding as a means of collecting the a family's or an unborn child's mother's share of the cost of the health care coverage under this section.

**SECTION 17.** 49.82 (2) of the statutes is amended to read:

49.82 (2) ELIGIBILITY VERIFICATION. Proof shall be provided for each person included in an application for public assistance under this chapter, except for a child who is eligible for medical assistance under s. 49.46 or 49.47 because of 42 USC 1396a (e) (4) or an unborn child who is eligible for coverage under the Badger Care health care program under s. 49.665 (4) (ap), of his or her social security number or that an application for a social security number has been made.

**SECTION 9421. Effective dates; health and family services.**

(1) **BADGER CARE COVERAGE FOR UNBORN CHILDREN.** The treatment of sections 49.665 (1) (g), (3), (4) (ap), (at) 3., (c), and (d), and (5) (ag), (am) (intro.), (b), and (c) and 49.82 (2) of the statutes, the renumbering and amendment of section 49.665 (2) (a) of the statutes, and the creation of section 49.665 (2) (a) 2. of the statutes take effect on January 1, 2006.

**(END)**